Quid Novi

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Election on Thursday

Candidates for President Interviewed

Last Friday, in an interview arranged by Quid Novi, L.S.A. Presidential Candidates Richard Janda and Stephen Fogarty expressed their views on key issues. Representing diverse interests in the faculty, Phyllis Macrae, Martha Shea, and Dave Griffiths prepared the questions, conducted the interview, and edited the final transcript which follows. Each candidate received the questions 1 hour before the interview.

Question #1: How do you view the relations among the three groups on L.S.A. Council and the relationship between the L.S.A. as a whole and the Faculty Council?

Fogarty: I see the first part of the question as being prospective. As class president, I was a member of L.S.A. Council this year. There was only one student as Faculty Council rep on L.S.A. Council. Next year there will be three groups -- constitutencies from which we can draw to seek a coordinated effort in student activities. With these groups we will be able to do just that. We will have more opportunity to divide work up and get things done. As to the relationship between L.S.A. and Faculty Council, I view that as one not of confrontation but rather one of cooperation. This does not mean that when important issues arise, we will not call a General Assembly to get the backing of students. We will do so on every important issue, in order to apply pressure where it is needed. My basic approach will not be confrontational but we will be willing and ready to work together. I do not see the interests of students being served by going in there and acting as a block. With a larger representation on Faculty Council we will be able to more effectively bring forward divergent student opinion. We also will be able to have a more meaningful and informed involvement, as student representatives on council will also be members of faculty committees.

Janda: The three groups have three different perspectives. Faculty Council reps are dealing with matters that come up in that forum. With the Review of Faculty Council, which is taking place, recommendations, fairly sweeping ones, are going to be dealt with.

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EVERY VOTE COUNTS!
VOTE ON THURSDAY
MARCH 24

Cette Fragile Democratie

par Julie T. Latour

"La démocratie est une notion beaucoup plus commode pour ceux qui en jouissent que pour ceux qui l'exercent...". Voilà, en substance, le message que nous offrait le constitutionnaliste Gil Rémillard, de la Faculté de droit de l'Université Laval (auteur de l'ouvrage "Le fédéralisme canadien", aux Editions Québec-Amérique), l'invité de "Forum National", jeudi dernier, lors d'une causerie portant sur la loi 111 et la répression dans le secteur public.

M. Rémillard, dans un exposé aussi lucide que pertinent, s'est principalement attardé à une réflexion politico-juridique sur la situation québécoise post-loi 111. En effet, celui-ci a déclaré que, puisque tout fut dit sur la loi 111 en ce qui a trait à la forme et au fond, il est impératif de s'interroger -- surtout après le jugement déclarant l'inconstitutionnalité de la loi 105 et dans l'attente d'une décision quant au statut constitutionnel de sa consoeur la loi 111 -- sur le contexte de ce que nous pouvons qualifier de crise sociale, politique et tout particulièrement juridique au Québec.

De cette réflexion se doivent d'émerger deux constatations: il appert, en premier lieu que, "dans une société démocratique comme la nôtre, le respect des lois est une réalité bien fragile", et, finalement, qu'"entre parlementarisme et totalitarisme, la marge de

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interview

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The class presidents have to be in tune with their particular constituency. There has been a problem, in that class presidents had a lot of time taken up with exam schedules. That matter could be dealt with quickly and efficiently by publishing the exam schedule at the same time as the rest of our schedule is published. What class presidents can do is involve themselves with the program of the L.S.A. as a whole. The L.S.A. is first and foremost concerned with providing services to students. Class presidents are going to play an expanded role in informing students about matters that come up in council. The executive straddles the first two. Because executive members sit on Faculty Council they have to take an approach to things like dealing with the job market, bolstering student activities in a more coherent fashion than in the past. There is not such a thing as a block because students come with different concerns and perspectives. Those are things that get cleared up in L.S.A. council.

Regarding Faculty Council I think we are not in a position of confrontation. There is a problem though with the faculty as it stands today. Those who watched council realize that there are a lot of divisions. If the Review is to get some positive sense to it, and I think it is a positive document -- it means we will be getting more professors, more funding; we are going to be looking at our curriculum. Student Faculty Council members have to take some initiative in finding consensus because the split between the common law approach and the civil law approach is not represented by us. We are trying to look at both perspectives. We are in a position to come up with concrete proposals on curriculum, on admissions policy, on governance, and other major matters. In all those respects our role will be to take some initiative. Obviously this does not mean confrontation.

Question #2: What should be the priorities for the L.S.A. next year?

Janda: The first priority should be to serve students. In that respect we ought to be looking at the funding for sports, the speakers program and the other organizations that play such an important part in student participation. I place emphasis on that. That is our priority. We can achieve something a little special in this school because of the level of participation. That's one thing we can set up, to have something on an ongoing basis in this school.

A second priority is setting up a placement officer. That means having someone who is going to organize a job bank on a part-time basis. We have to pay them. I hope we can approach the Dean to do that, but if the Dean won't fund it fully there are other sources of funding we can talk about. We should look not only to the law profession for future jobs but look outside the law profession too. This is done at other universities and can be done here. That's a priority.

Finally, there is the Faculty Review and as I've already mentioned there are a number of points on that that we can deal with constructively.

Fogarty: I see that the main priorities of the L.S.A. Council and office holders are to do all they can to work with students and to represent student views -- not merely to propose their own theories but to ensure that things that are being decided represent what the students want. Now, there are four key things I'd like to mention. First, the day-to-day concerns of students; the economic situation cannot be ignored. I would go further than my opponent. I would do everything I could to pressure the faculty to fund a full-time job placement officer, a professional. I think the faculty should do more for students when they leave than hold the door and say "good-bye". Other universities have done this and we deserve it just as much. Students would still be encouraged to participate in the job bank.

Second, exam scheduling. I'd like to see that we have exam schedules not only for the first term but for the second term ready the first week of September.

Regarding the faculty and

its structure, the most important thing to address is the choice of the Dean. Next year there will be a University committee established to select a new Dean. By tradition the students on such a committee have been selected by Students' Society. I would work to my utmost to make a deal with the Students' Society so that the selection of the two students would come from the L.S.A. I'm talking about having a debate or perhaps an election among law students to pick the two students. This would lead to a debate concerning the type of Dean we want in the law school which would be healthy.

Finally, the Faculty Review. What I would like to see is an organized consultation of students. Let's set up a committee of volunteers to seek student submissions, coordinate something and then before bringing such a thing to Faculty Council, present it to a General Assembly for ratification.

Question #3: McGill occupies a unique position in Québec. Recently we have seen a decrease in the number of courses offered in French and an increase in the number of common law professors. What do you think about this trend and what should we be doing about the school's role in the Québec community?

Janda: It is a cause of great concern that courses offered in French are being dropped and it is a cause of even greater concern that some members of faculty are considering American Bar Association accreditation as a viable option. That kind of direction could serve to further erode the civil law and make us an offshore common law school, which I don't think is a viable role for this institution. The unique and exciting thing about this school is that it brings together people from across the country. While we have a unique position in Québec as a civil law school, we also have a unique position in the country as a national school. We haven't quite fulfilled the promise that that means, but with this Review I think that there is definitely the chance that we are going to be moving further in the direction of creating a truly national school in Canada.

Fogarty: Our law school is neither solely a civil nor a common law school. It is a national law school. Part of what is behind this question is the idea that the diminishing French sections and the increase in common law professors in an inevitable result of the national law program. I don't think that's necessarily the case. Perhaps, if anything, the opportunity to improve one's knowledge in both languages could be an essential feature of a national law school, and therefore I don't see the contradiction which I think comes out in the question. It is not only a question of numbers of professors but of quality of education and that's something we should talk about as well. Finally, I'd say that as a national law school, no matter in what language one is taking courses, I would perceive it as a duty of the L.S.A. and the Law Faculty to resist what seems to be a growing tendency towards ghettoizing job opportunities.

Question #4: What can be done to improve morale in general and faculty-student relations in particular?

Fogarty: If by improving morale is meant that there is widespread apathy among students, I would disagree. Many students participate in a number of activities. Occasionally there will be one or two positions where somebody is acclaimed to office and people start talking about widespread apathy. Students are concerned with many things, not only being elected to L.S.A. council. Improving morale means harnessing this involvement. Let's get it going. Let's make student participation meaningful.

Improving morale implies creating an atmosphere whereby students are invclved in the decision-making process in the Faculty. The review of the Faculty was kept secret from students for a number of months and that's certainly one thing which creates bad morale. In a professional course adults learn better when they are able to participate fully and effectively, not just by going to classes, but by being involved in decision-making, and that is where we need to work.

Janda: The level of participation at this school is indeed extraordinary when we think of the number of activities we run. There is a possibility to lift the veil of ignorance when it comes to student-faculty relations. A lot of things that happen in the Faculty just don't get to students. The Faculty Review is a perfect example of that. On something as major as this it is very important for the L.S.A. to take a lead, to call a General Assembly, to put forward what has happened, and to try to inform students about what decisions they are going to take. In order to play a constructive role you have to know what's happening and the L.S.A. has to play the role of transferring information.

There are a couple of

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Quid Staff Party
Saturday evening, April 2
Be There

Quid Novi

Quid Novi is published weekly by the students of McGill Faculty of Law. Weekly meetings are held on Mondays at 1 p.m. in Room 204. Getting old and grey are: L. Bailey, D. Barker, P. Eliadis, S. Fisher, I. Fraser, D. Gogek, R. Janda, P. Mayer, B. Mitchell, H. Pallard, J. Rikhof, D. Sokolyk, M. Turcotte, J. Vance, G. Witte, and D. Xistris. Special thanks to our young upwardly-mobile new writers of the world: **Julie T. Latour, Doak Horne, and Andrew Cohen.**

Editorial

Be Informed and Vote

The elections for LSA Council and Faculty Council representatives take on great significance this year given recent developments in the school, namely increased student representation on Faculty Council and the release of the Faculty Review.

These two events and their future implications place an increased responsibility on the law student who will serve on LSA or Faculty Council. As a result, the voting student must exercise care by using the election procedure in a constructive manner to send his or her viewpoints to representative positions. This translates into making a wise and informed choice.

Thus to enable the student to be fully informed of each candidate's attributes, there will be an all-candidates meeting in the Moot Court on Wednesday at 12 o'clock. It is incumbent upon us, as concerned students, to weigh each speaker's assets and liabilities and to make our decisions with thought. Next year's LSA Executive and Faculty Council representatives will be working in a power structure that is substantially different from that of this year. The students that we elect will have to respond to the challenge of forging a new partnership with faculty. For our part we must respond by casting a concerned and informed vote now.

Quid Novi's policy has been and will continue to be one of complete neutrality: we shall not endorse any candidate. It is not that we are uninterested, we are disinterested. We neither wish to politicize ourselves nor unduly influence the outcome of the election. Nevertheless we will always attempt to provide the voter with the information necessary so that he or she can make a responsible choice.

Demetrios Xistris

The Candidates

Nominations received as of 5 p.m., Friday, March 18, 1983:

President:
1) Stephen Fogarty
2) Richard Janda

Vice-President, Civil Law:
1) Ian G. Fraser
2) Peter Michalakopoulos

Vice-President, Common Law:
1) Mark Dresser
2) Todd Van Vliet

Vice-President, University Affairs:
1) Ian Bandeen
2) Jean-Pierre Blais
3) Henri Pallard

Treasurer:
1) Paul Dunn
2) John Limeburner

Secretary:
1) Véronique Marleau (acclaimed)

Student Representative on Faculty Council
1) Marc Barbeau
2) Anne-Marie Blanchard
3) Carole Gingras
4) Fred Hoefert
5) Rob Horwood
6) Jill Hugessen
7) Grant McCrea
8) Zev Rosenweig
9) Todd Sloan

BCL II Class President:
1) Julie T. Latour
2) Brian Ward

LLB II Class President:
1) Michael Shuster (acclaimed)

BCL III Class President:
1) Michael Concister
2) Hillel Rosen

LLB III Class President:
1) Richard Elliott (acclaimed)

BCL/LLB IV Class President
1) David Wiseman
2) Carole Sheppard

The polling booth will be located outside the Moot Court from 10 a.m. - 5 p.m. In order to vote, students MUST have their McGill I.D. cards.

Anna Chang
Chief Returning Officer

LETTERS

To the Editor,

I have a confession to make. No, I did not steal Joanie Vance's Civil Code. However, I was a member of a Student-Faculty Committee which did not meet once this year. Whether I can still put it on my c.v. I don't know, but the point is, the Committee on Tenure and Promotions (Policy), of which the Dean is Chairman, was never called together.

When I asked the Dean about this in late October, he said that he did not feel any policy issues had arisen, so no meeting was needed. I asked that a meeting be called this term to consider whether, as a matter of policy, student input into tenure and Promotions decisions could be formalized. At the least, I suggested, students should be able to make representations as to the teaching component of those decisions.

Whether the consultation is with the student member of the Tenure Committee, or with a member of the LSA Executive, is a matter to be decided. What is clear, after the salutory outcome in Faculty Council concerning student representation is that the student body should continue to look forward. We should press for even more involvement in the crucial decisions regarding our Faculty's future.

In light of the Faculty Review, and the imminent selection process for a new Dean, students must not be content to sit back and accept administrative decisions as they are handed down. If we like a professor, he or she should stay. If we like a candidate for Dean, our voice should be heard and given weight.

The Faculty, with more money, permission to hire more professors, and with a new Dean, can embark on an ambitious course. Let our current crop of political candidates speak to this issue. We should elect those who have the best and clearest visions for our faculty, and who have the determination and skill to implement them.

Julian Heller
Student Representative
on the Tenure and
Promotion Committee

Tribunal-Ecole Interfacultes

La compétition annuelle du tribunal-école mettant aux prises les diverses facultés de droit civil du Canada s'est tenue les 11 et 12 mars derniers à l'Université de Montréal.

Les honneurs de ce tournoi, présidé par l'Honorable Marcel Crête, Juge en chef du Québec, ont été conférés à l'Université d'Ottawa, non sans que notre équipe, composée de Bobby Bonhomme et Bruce Fitzsimmons, ait défendu avec brio le prestige de notre Faculté.

Voice d'ailleurs les gagnants des divers prix:

Prix du meilleur factum: Université d'Ottawa

Prix de la meilleur équipe: Université d'Ottawa

Prix du meilleur plaideur: Université de Sherbrooke

Prix du deuxième meilleur plaideur: Université McGill (Bruce Fitzsimmons).

Félicitations à tous et un gros merci au Professeur Jobin pour son aide si précieuse. It ne nous reste donc plus qu'à nous préparer pour l'an prochain alors que l'Université McGill sera l'hôte de cette compétition.

Anatomy of a Jury Trial

by Doak Horne

What do the Honorable Mr. Justice Estey, the Honorable A. McEachern, the Honorable G. Evans, Msrs. Greenspan, Levinter, Manning, Sopinka, and other prominent counsel from across Canada, have in common with the likes of F. Lee Bailey and the Attorney General of Great Britain, the Rt. Hon. Sir M. Havers?

The answer -- all participated in the second annual advocacy symposium held jointly by the Canadian Bar Association and the Law Society of Upper Canada, in Roy Thomson Hall, Toronto, Feb. 11 and 12.

For $50 ($250 if you were in the unfortunate situation of being a practitioner with over 5 yrs. experience) 18 hours of informative and extremely interesting insights into the workings of a jury trial were offered.

The symposium took the form of a fictitious litigation proceeding, involving a criminal charge of arson against an accused and the accused's civil action against the insurance company for the insurance monies. This main theme was buttressed by speeches by most of the above-named invitees on constituent aspects of the jury trial. In addition, panel discussions (on topics ranging from opening addresses to juries), psychological studies of the jury decision-making process and the closing address to juries were considered.

A Few of the Essentials

The introductory speeches ranged from whimsical quotations of famous historians

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Rémillard

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manoeuvre est souvent très étroite."

En ce qui a trait à sa première assertion, le professeur Rémillard, tout en admettant le droit à la dissidence, a formulé une véhémente désapprobation à l'égard de la désobéissance civile, celle-ci remettant en question le principe de la légalité ou "rule of law", lequel doit être une base fondamentale de la règle juridique d'une société. "Ce geste est très lourd de conséquence", a poursuivi M. Rémillard, "Puisqu'il peut amener une situation anarchique où l'Etat, ne pouvant dès lors recourir au principe démocratique, sera forcer de sombrer dans le totalitarisme."

Quant à sa seconde prémisse, M. Rémillard, y est allé d'une analyse de la "difficulté de gouverner": l'abus de pouvoir étant aussi naturel que le pouvoir lui-même! C'est, a-t-il déclaré, dans cette intrinsèque contradiction que se fonde la démocratie, laquelle a pour fonction de contrôler cet inévitable abus de pouvoir.

Il faut, afin de circonscrire le rôle à attribuer à la démocratie, se baser sur une notion nouvelle en droit constitutionnel Canadien, institutée par la Cour Suprême en septembre 1981: la légitimité. Ainsi, il devient explicite que le peuple canadien est souverain et que c'est lui qui délègue sa souveraineté au Parlement, en se donnant un contrat social. M. Rémillard conclut que l'on peut définir la légitimité, selon ce jugement du Tribunal suprême, par "L'exercice du pouvoir en relation avec les voeux de l'électorat." Cependant, puisque l'étendue de ce concept est quasi-impossible a délimiter, le professeur Rémillard propose un baume aux maux de notre société: une constitution québécoise dans le cadre du régime fédératif.

En effet, par le biais d'une analyse de nos principaux outils législatifs en matière de protection des droits et libertés, c'est-à-dire les Chartes provinciale et fédérale, et en extrapolant sur l'application de la dernière -- laquelle, à son avis, sera très restreinte -- M. Rémillard en arrive à la conclusion que les Québécois sont mal protégés quant à leurs droits fondamentaux et que le seul moyen offert à eux, afin de résoudre ce problème, serait de se dater de leur propre constitution. Il faudrait évidemment, ce qu'a omit de mentionner M. Rémillard, que la Charte des droits et libertés de la personne y soit enchâssée.

Dans le climat de crise que traverse actuellement le Québec, alors que nos institutions doivent être repensées et où le caractère péremptoire de la nécessité de s'interroger sur l'Etat et sur le genre de société où nous souhaitons évoluer semble faire l'unanimité, ce projet de constitution proprement québécoise, que le cabinet Lévesque explore d'ailleurs actuellement, constitue probablement l'unique recours offert aux citoyens d'un pays jeune, où la démocratie parlementaire en est encore à ses balbutiements.

* * *

En terminant, je souhaiterais manifester ma déception quant à la très faible participation de mes confrères et consoeurs anglophones à cette causerie. En effet, le professeur Rémillard était utilisé comme "sujet expérimental" par "Forum National" puisque, de par certaines suggestions, un désir de recevoir des conférenciers francophones s'était manifesté au sein de la gent estudiantine de la Faculté. Face à un aussi faible taux de participation, que devons-nous conclure?

NUCLEAR WEAPONS ILLEGAL, ARGUES DR. BURNS WESTON

The use of nuclear weapons in most instances would be illegal under existing international law, according to Law Professor Dr. Burns Weston from the University of Iowa. Delivering a paper during the McGill Disarmament Series, Dr. Weston demonstrated last week that under the existing humanitarian rules of armed conflict, a first defensive use and even most kinds of nuclear reprisals would be illegal. The paper is being published in the Mcgill Law Journal's upcoming Special Issue on Disarmament, which should be available by June.

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interview

specific opportunities. One is to create an on-going program of student involvement. This year has shown that there is a kind of competititon among groups for space; who's going to put on this event, or that event? The various groups can work together and create a very vital part of the educational process.

Finally, the call in the Faculty Review for research by professors points directly to something that students can do. That could be at the level of TA-ships. It could be at the level of having an improved research program where students can be a part of faculty projects. It won't happen overnight, but it's something to look at.

Question #5: Why are you the best candidate for President?

Janda: It comes down to approach. The L.S.A. has got to be in a position to take initiative. This does not mean precluding consultation, getting student opinion, holding General Assemblies, and informing people. But we need somebody in this role who is prepared to bring forward some ideas and work them through. I would like to think that the kinds of things I've done in the school to date have shown my commitment to developing activities in the school and trying to improve the context in which we operate.

When asked what makes me interested in this position I think of the little bit of graffiti that went up a couple of weeks back: "Anybody stupid enough to run for President is too stupid to get elected." There's a little bit of truth in that but it breaks down at the level of really feeling that there's something important at stake. I think this school does have something important at stake. It is a unique educational opportunity in Canada. It has tremendous possibilities for participation, student involvement; and, if there's a little element of craziness in being committed to that, it can be put to productive use in the Faculty.

Fogarty: The position of L.S.A. President should have three functions. The foremost is to coordinate L.S.A. activities and efforts. The second is to bring student views to faculty. The third is to represent views of law students outside the law faculty within the University as a whole. The person in this position needs a wide variety of experiences in order to better understand and relate to the wide-ranging interests and backgrounds of the student body and professors. This experience should not only be within the law school but in other institutions as well, whether academic or political.

Before coming to law school, I worked for three years at Parliament, with members of Parliament from all parties and with Parliamentary committees. As well, I was a teaching assistant at the University of Ottawa for two years. In my undergraduate days at McGill I was a member of the committee to select the Vice-Principal Administration and I was for two years a Student Senator on the McGill University Senate. This is all in addition to my experience this year as a class president, a member of L.S.A. council and a member of the Student Representation Committee. I believe, or at least I hope, that this background would indicate that I am the preferred candidate.

Special thanks to Joseph Rikhof and Dolores Vader for taping and transcribing this interview.

Munchkins

by Andrew Cohen

Phi Delta Phi held its annual "Doughnut Eating Contest" on Wednesday last. Six brave contestants, raising money for the Heart Foundation, faced each other in the ultimate gastronomic contest.

Before a sparse but noisy audience, the competitors set about eating sixty "munchkins" in 20 minutes. It was quickly evident that very different styles were to be employed by the contestants. Ann Scholberg, in splendid black, had an entourage of six men serve her donuts on a silver (--plated?) dish complete with knife and fork. Richard Ling and Allan Garber (last year's winner) set about their task in a low-key, methodical manner, while David Gameroff seemed more intent on smiling for the cameras than concentrating on the matter at hand.

In the corner sat Mrs. Lederer, urged on by her medical adviser, "Hawkeye" Brierley, proudly announcing to the audience each time another munchkin met its maker. In the center sat "Marvellous Munchkin Mitchell Marcus", who seemed to have best mastered the secret of donut eating: brush off the sugar, dump the donut in water and swallow.

As the drama unfolded it became a battle between Ann, Mitchell, and Mrs. Lederer. Meanwhile Richard Ling was pleading with the judges to let his "brother" take over, and David Gameroff let out a belch that shook the very foundations of Chancellor Day Hall. A bit of drama followed, as it seemed likely that a recount would be necessary and Mitchell's stomach seemed all too willing to oblige; but good sense prevailed and Mitchell was declared the winner, having swallowed 62 donuts.

anatomy

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and literary figures, such as Robert Frost's description of the jury as being "12 men chosen to decide who has the best lawyer", to startling results of statistical studies. For example, 80% of juries make up their minds after the opening statements, and never change them. In fact, when comparing the first ballot vote of juries with the final vote, in only 5% of the cases does the minority persuade the majority.

Estey, a strong believer of the value of the jury to Canada's judicial system, began the symposium with his presentation of the pros and cons of this 800-year old judicial institution.

Situation at Present

The jury of twelve combined with a "unanimity of result" requirement has been retained in Canada in criminal cases. On the other hand, in civil cases, both the traditional size and the requirement of unanimity have been abandoned, and are now controlled by provincial enactment. For example, civil juries consisting of 6 members, any 5 of whom can return a verdict after a certain period of deliberation, have been adopted in Alta, Man., Ont., Sask., the Yukon, and the Territories. In Quebec, juries in civil trials were abolished by The Jurors Act in 1976.

Future of the Jury

While the number of civil juries has decreased in the Western provinces (4 in 40 years in Alberta), there appears to have been an increase in Ontario. An absolute right to trial by jury, unless waived, is granted in some provinces for a limited number of actions. Generally, however, a party's right to a jury trial is subject to the trial judge's discretion. This discretion generally rests on the premise that in some instances the case may be too complex for a jury to understand. However, Estey is of the view that the fundamental right of a party to have his case tried by a jury should be allowed despite the points in favour of trial by a judge alone. Section 11(f) of the Charter will preserve the right to a jury in the criminal field, at least with respect to offences with a penalty of 5 years or ;more. Indeed, s. 11(f) along with s.7 of the Charter may cause an expansion of the right to trial by jury in criminal cases.

Strategy

While numerous tips were given concerning advocacy during a jury trial, one point stood out -- the skill of counsel may be more decisive in a jury trial than in a non-jury trial.

On matters concerning juror selection, the technical aspects concerning peremptory challenges, challenged for cause, and stand-asides are dealt with in the Criminal Code s. 557-573. However, multiple viewpoints, some conflicting, were expressed by the participants, on the best procedure and tactics for selecting a jury. Some counsel felt one should act on gut feelings when deciding which jurists to select; others set out criteria and background information on the qualities of a prospective juror which could be reviewed by counsel. Still others felt the interests of the client would be best served by selecting the first 6 or 12 jurists on the panel list, provided that no blatant evidence of bias prevailed, such as, in the words of Bowlby, Q.C., "the wearing of a swastika arm band and your client being Jewish."

Examination of Witnesses

One of the more striking aspects of the symposium was the impromptu demonstrations of the examination-in-chief and cross-examination of a number of types of witnesses --the principal witness, the expert witness, the two-faced witness, and the surprise witness before a jury. The techniques of cross-examination and examination-in-chief, aptly demonstrated by Msrs. Bailey and Havers, are extremely difficult to teach in the classroom (and to put down on paper, for that matter). An effective cross-examination of any witness results from a mastery of the facts of the case, an instant ability to recall pertinent facts, and a sense of how to capitalize on the inherent weaknesses of a witness -- differences in perception, inabilities to recall, and questions of bias -- to demonstrate to the jury the unreliability of that wtiness's testimony. Used effectively, expert witnesses in cross-examination, before an audience of approximately 700, were heard to say "above" does not necessarily mean "up", but may mean "down", and that reports prepared by that same witness might contain "careless phraseology".

In summary, while there are necessarily inherent strongpoints and weaknesses in the jury system, it is worthwhile to consider a statement of Lord Denning in his book What Next In Law, where he speaks of the juror's participation in the system of justice: "This participation in justice has, I believe, done more than anything else to establish the English habit of obedience to the law."

Our Mistake

Due to an oversight, we failed to thank Allan Berezny for his dedication and hard work in organizing the facilities for the Phonathon.

Dean Branded Bland

by Lynn Bailey

Court was in session Tuesday night as the Commission of surveillance of the Charter of the Language v. the Law for Pedagogical Purpose brought charges against Dean J.E.C. Brierley for being "wilfully bland".

The trial opened with various objections to the qualifications of the bench and counsel. How could a bench made up of one who has received a scholarship from the Dean (Stephen Toope), one who has displayed violence towards parties to the action (Mrs. Lederer) and one who has his eye on the Deanship (Blaine Baker) be impartial and fair?? More importantly how could the accused be represented by mere aborigines (or correctly, founding peoples) of foreign islands who have no grasp of the civil law (Profs. Bridge and Somerville).

All objections were overruled and the prosecution (Susan Zimmerman, Dave Griffiths) proceeded with their opening statements. They pointed out that not only was the Dean bland, but he was so bland as to be declared dead, interdicted or an absentee as outlined in the Code of Civil Procedure, and a trial was not necessary.

In the alternative, the prosecutions case was based on the Dean's identity as an international mercenary and long-time supporter of the Hari Krishna. Blandness and the Deanship were a mere cover for the true purpose of his existence. In order to prove this allegation, items found in the Dean's office -- including sunglasses, trenchcoat, ray-guns, swords, (assorted lingerie??) and small bombs -- were offered into evidence.

Counsel for the accused objected, on the grounds that this evidence did not point towards "blandness" but instead towards "playfulness", but was told to sit down.

The prosecution called several witnesses to the stand, including Mr. Rodgers (Tim Baikie), who produced a picture drawn by "little Johnny" years ago entitled "I want to blow things up"; Richard Janda, a student writing an essay for the Dean who could not recognise him even with his glasses off and Rodger Cutler, president of the L.S.A. Cutler wore bandages and slings due to injries suffered in a fall off the Dean's porch on the one occasion when the Dean departed from blandness and gave an opinion. This allegedly concerned the various professors who had been loitering in the L.S.A. office attempting to obtain student summaries from which to teacher their classes.

The defence based their argument on the ground that the Dean had perhaps been bland, but had not been wilfully bland. It wasn't enough to be carelessly bland, recklessly bland or blindly bland. They insisted the Dean's conscious aim was not blandness but to be an absorber of aggression, and perhaps his blandness was the result of shell shock due to the strains of the office.

The first witness for the defence, John Webster "MacKenzie" swore on a "cold one" that a Volvo was a drinking man's car. When the prosecution objected that Prof. Bridge was leading the witness, the objection was overruled on the grounds that this witness needed to be led. Henri Pallard swore on his ability as a referee but was declared an incompetent witness for being wilfully bland himself. The accused then took the stand, but to not avail.

The sentence was delivered. The Dean was an immoveable by destination. The prosecution won the award for the best team, the booby prize going to the profs, Mr. Rodgers won best witness; Prof. Bridge best pleader.

Special thanks to the Moot Court Board and Helen Rioux-Morrison who came up with the successful new procedure.

Announcements

McGill International Law Society invites all students to a lecture by D. Hammer, Head of Delegation of the Commission of the European Communities to Canada. Mr. Hammer will speak on Canada--EEC relations, Wednesday, March 30 at 1 p.m., Moot Court.

Home Stretch Party

Thursday, March 24th
8:00 - 12:00 p.m.
Student Union

All Quebec Civil Law Schools and the Bar School have been invited. Profits will be given to UNICEF on behalf of L.S.A.

Come on Out!

The Social Committee

LL.B. III
Hosts
End-of-year-Party
Saturday, March 26, 8:30 pm
Thomson House

Guests of Honour:
Paul and Carina

EVERYBODY WELCOME!

McGill Blaw Journal

Revue de Froid de McGill

Vol III 1983 **APRIL 1 AVRIL** **No. 24**

manship of Dean

Quid Novi

McGILL UNIVERSITY

Montreal, Canada

(Soon to be located in Cornwall, Ontario)

FACULTY OF FLAW

The Faculty of Flaw of McGill University claims to offer courses in both Silly and Vulgar Law under its Irrational Program.

Bachelor of Silly Law (B.S.)

The holder of this degree qualifies for a rough ride through the Bar preparation course of the Province of Quebec and a place in line at the unemployment office. The alternative is to be a Notary.

Bachelor of Vulgar Law (B.S.)

The holder of this degree qualifies for a ticket out of the province.

Irrational Program of Legal Education

We haven't figured out what this program includes, but it does not include: a) Comparative Law b) Public Law c) Cumul. The holder of a B.S. will go through an additional year at the school designed to stimulate further thought and insight. We guarantee that candidates will constantly be wondering why.

Further information concerning the coherent character and purpose of the Faculty's IRRATIONAL PROGRAM can be obtained by attending a session of bickering at a Wednesday afternoon Faculty Council meeting. The deadline for filing completed application forms is whenever the hell Prof. Macdonald wants. Graduation occurs upon completion of courses or release of Banking marks, whichever comes later.

The Crépeau Institute of Wabasso-Bashing

The Institute operates out of the Château Crépeau, high atop the mountain. Graduates will participate in a large scale cloning process, and will focus upon the law as it might be.

McGILL BLAW JOURNAL
REVUE DE FROID DE McGILL
Editorial Board — Rédaction

Quid Novi enjoys making fun of superior publications. We publish more often then the McGill Law Journal; Nyah nyah. Nevertheless, the following people are envious of it: Lyn Bailiff, Dan The Man, Pearl Harbour, Sid Vicious, Thin Razor, Rick Blanda, Go-Go Gogek, Pas Le Meilleur, Brian Richell, Hitem-Hard Pallard, Joseph Kickoff, Diane Sokit-to-um, Martine Turncoat, Joanie Rants, Gertie Witty, The Big D.

manship of Dean J.E.C.

Editor's Notebook

Stardate 04.01.83

So you think that we're not funny at the Quid. Well we don't think that the Law Journal is any funnier. What's so funny about a bunch of preppy koala bears walking in and out of an office whose door is never opened? How would you like to talk about footnotes and standard from abbreviations during your lunch hour? Or even publish articles on mundane topics by professors whose only motivations is to answer the question: If the Charter came into force at 8 a.m. in Canada was that 8:30 a.m. in Newfoundland? Ah, the constitutionality of time zones and time warps!

Well, you might ask, "Why a parody on the Law Journal?" Good question.

You see, at Quid Novi we have been labelled as pretty serious dudes. We take exception to that. We're not half as serious as the Law Journal. At least we don't make like we need preparation H on stiff upper lips. And at least when we hold pot luck dinners (which, for the record, we never do) we don't introduce ourselves as F. Jasper R.C. E.T., Q.C. to be. These MLJ types think that excitement in the library is to figure out whether in 1844 there was a King or a Queen (you know, K.B. or Q.B.). Standard trivia for the Editorial Board.

Seriously, for a moment, the Law Journal has a really nice bunch of individuals. They're fashion conscious (one member wears satin lined Georgio Armani jeans while inviting members of the opposite sex to feel the "quality" of the interior) and adventuresome (their idea of weekend excitement is to count the number of typo's and spelling mistakes in the Journal when Stephen Scott was editor). They also have the amenities that are afforded to those of a higher standard of living (I'm talking about the air conditioner that runs full blast in wintertime to circulate all that hot air).

And then there is the coffee machine. That was until Neil Cobb burnt it and its plastic accessories during one of his all night group study/orgy affairs (no need to spread the sordid details about that one). Word has it that Cobb has been called in by top brass and is close to getting banned — his mailbox, which is suffocating, has already been moved to the Porter's Desk. And his coffee cup, well, it's been defumigated and the EPA has just declared that its dioxin level has receded to the point where little men in white suits and masks can come and take it away.

manship of Dean J.E.C. Canada which I had not done

Remember. All of this, some serious, some not, is tongue in cheek. I certainly wouldn't want Kojak to lose his job there next year. So if the MLJ thinks that we're picking on them then they can surprise us with a Volume 28:2 Quid Novi joke issue. Now that really would be funny.

Demetrios G. Xistris

Cloning!

The Constitutionality Thereof

Richard Kurland

Opinion submitted to the Foreign Affairs Committee of the House of Commons of the United Kingdom Parliament in Relation to the British North America Acts.

Shortly after the Government of Canada tabled its proposed constitutional resolution in the House of Commons at Ottawa on 3 October 1980, the Foreign Affairs Committee at Westminster, under the chairmanship of Sir Anthony Kershaw, undertook an inquiry that would culminate in a report to the House of Commons of the United Kingdom concerning various aspects of constitutional reform in Canada. Sir Anthony's committee sought the advice and opinion of constitutional specialits.

The Editors of the McGill Blaw Journal are pleased to publish an opinion submitted by Richard Kurland, pining in residence at McGill University. As an opinion it is printed without emendation. This opinion was not received by the Foreign Affairs Committee before its *First Report, British North America Acts: The Role of Parliament*, of 21 January 1981, H.C. 42 Volume I (Report with Appendices) and Volume II (Evidence and Appendices).

January, 1981

John Rose, Esq.
Clerk to the Committee
Foreign Affairs Committee
House of Commons
London, England
SW1A 0AA

Dear Mr. Rose:

I write in reply to your letter of 15 November inviting me to submit a brief paper on the subject of the Committee's order of

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*The author would like to thank Professor Stephen Scott for his invaluable aid in formulating this essay. The author in his spare time attends a selective assortment of classes. Otherwise he can be seen in the library usually early in the mornings planning a highly leveraged takeover of some Vancouver junior mining company. We hope that some days he succeeds.

reference to which your letter refers to as "the role of the United Kingdom Parliament in relation to the clone in Canada."

In order that my discussion be kept reasonably brief and pertinent, it is necessary to make some reference to the general nature of the proposals which raise the question as to the nature of that role.

Summary

On 2 October 1980, the Government of Canada published a *Proposed Resolution to Her Majesty the Queen respecting the Constitution of Canada,* intended for passage by both houses of the Parliament of Canada and for transmittal to Westminster for implementation by the Parliament of the United Kingdom.

In studying this proposal in relation to the clone, the temptation has been to adopt the language of William Butler Yeats to ask, "What rough beast, its hour come round at last, slouches toward Westminster to be born?" However I have come to the conclusion that it would be in accordance with both the law and the practice of the constitution for the United Kingdom Parliament to comply with a request in those, or in any comparable terms should one be made in due course. By a "comparable" request I mean any request that the United Kingdom Parliament enact a statute creating domestic Canadian constitutional amendment processes to supersede the existing authority of the United Kingdom Parliament, and accompanying this transfer of constituent power with other reforms — notably a Charter of Guarantees of Rights and Freedoms with regard to clones — even though these reforms may have significant effects upon the legislative or other authority of the Canadian provinces.

The nature of Canadian federalism is such that extreme efforts are usually made to secure federal-provincial consensus on sensitive matters. Few matters are more sensitive than constitutional issues. Where it has been proposed to transfer legislative authority from provincial to federal authorities, the latter have necessarily exercised extreme caution before proceeding with a request to Westminster. Thus the particular checkered appearance of Canadian constitutional law.

Constitutional theorists have vied with one another for imagery sufficiently vivid to convey, with enough force, the absolute nature, in the law of the United Kingdom, of the legislative sovereignty of its Parliament. The power to do all 'save make women a man, or a man a woman' is by Sir Robert Megarry (*A*

Second Miscellany-at-Law, p. 107) traced to the mid-seventeenth century. Dicey, quoting Leslie Stephen, spoke of an Act providing for the killing of blue eyed babies (Dicey, *Law of the Constitution*, 10th ed. p. 81). The essential quality of genetic engineering in this regard is the ability prior to conception to select the eye colour of the baby, or at least his sex. Insofar as Canadian constitutional law is concerned, the question is whether this novel innovation, a technological ovulation, is really nothing more than some new type of immigration?

To me it is evident — and I press this upon you — that the United Kingdom Parliament cannot accede to any such argument concerning subversion of the federal system without a very close review of the operation of the Canadian federal system. For clearly it is the Dominion who takes buried treasure and controls our pleasure, science and technology. The Dominion rules our wheat pools and by analogy she ought to govern our gene pools, if only to meet her treaties and international obligations. Surely economic dislocation would result were one maritime province to suddenly reproduce one hundred thousand fishermen. This, it is respectively submitted, is the reality of cloning.

What is the case made by those who advocate refusal of the United Kingdom Parliament to act on such a proposal without the consent of all the Canadian provinces? The *British North America Act* protects the provinces to a degree quite acceptable in any federal system. But that protection would inevitably melt away should cloning, in its pith and substance, be construed as falling within the federal sphere, precisely because technology would make a legal fiction out of normal demographic boundaries. Great numbers of voters could be reproduced in specific areas in short periods of time. In the result no single cultural entity could reasonably assure its survival over time. In other words, the demographic barrier would no longer be sufficient protection against cultural penetration, and therefore one province in particular would appear to have rational and strong emotional reasons to terminate relations with the federal system as we know it today.

For these reasons, especially in light of the circumstances to which I have referred above, bearing on the working mechanisms of the federal system, in my opinion no mention ought to be made of the clone in any Act of the United Kingdom Parliament insofar as the Dominion of Canada is concerned.

And I am
Yours faithfully,

Richard Kurland

Legal History Explains Lack of Etiquette Among Civil Law Students

Lynn Bailey*

Recently in Canada, increasing concern as to the alarming lack of etiquette displayed by law students, and particularly civil law students, has obviated the need for an in-depth study of the roots of this social problem.

At this point, a civil law student might protest. "What me?" he belches, drool forming on his lower lip. But he must concede that although common law students also come to school unshaven, close elevator doors on librarians, and entertain disgusting thoughts, they do so with an air of deference that makes them much less obnoxious to the rest of the population.

The dichotomy is probably due to a difference in the origins of the two systems of law. A historical study is advantageous because it leads to enlightening conclusions about the law today and how its study develops etiquette. It is also advantageous because these things happened so long ago that nobody remembers anything but the funniest parts.

Civil law originated in Rome where people used to lay around in sheets eating and drinking until they threw up. That was if they weren't out carousing with slave girls. The most important members of society were the ones that did this the most. They were the ones who made the law. There is no doubt that these guys had style and reached many decadent conclusions, but they didn't have manners.

Civil law in the form that we know it, was based on a diary by a guy called Justinian, which was misplaced by a slave in a drunken stupor. It was found hundreds of years later by the French.

The French, it must be admitted, know how to have fun in a sophisticated but rather corrupt way(see French kissing, French connection, French pastry). "Savoir faire" however, is not always polite.

For a long time, the judges in the French courts (who were

* The author would like to express her gratitude to the McGill Pre-Law Society for eliminating the competition by gathering together people who never get to law school. She would also like to thank the Faculty of Law, University of Western Ontario, for giving her one year of legal training — enough to render studying for courses at McGill "surplusage", and to free the time she used to become a social butterfly. Indeed, her investigative reporting for Quid Novi earned her the 1982-83 National Enquirer Award for Gossip Excellence.

chosen because they were the most corrupt and everybody thought this was hilarious) tried to outdo each other by rendering decisions which made the rich guy win. Then they realized the rest of the world was watching and started to play it cool. They wrote down all the rules they could think of in a big book. Not very hopeful beginnings for a system required to promote etiquette.

The common law was developed mainly in a place where people wear raincoats all year round. There was an extreme lack of grapes and slave girls so the English decided they might as well act as if they enjoyed the straight life, and made politeness of utmost importance.

This orientation had vast ramifications in the area of law. All of the rules were based on manners that were so obvious that no one had to write them down, and if there ever was a disagreement it went to a court to be judged by nine of the politest guys in the country. These lucky men had been chosen after years of hard work learning manners, while eating lunch at Inns.

Even then, there was a safeguard built into the system in the Court of Etiquette where you could go and get a result which was not based on "real" law but which was much nicer.

So much for historical background.

Unfortunately, civilian codes in their modern form provide no means of guiding students in the practice of higher forms of behaviour. Civilian students are unbearably cocky because they have a book of rules that are already numbered, and common law students have to find the rules themselves. Civil law students have been told about the good old days when the law was fun and gayly chat about it with their mouths open all through lunch. Amidst the flying paté sit the common law students picking delicately at their roast beef in spite of their exhaustion. They do not talk about the law. They have realized that the law is a mess, and that talking about it when they don't understand a thing is tremendously rude.

The same pattern of behaviour is repeated in the library. A common law student who finds a first year mooter in his favorite desk knows what is required of him and proceeds with utmost decorum. He knows he must make an "offer", which, whether unilateral or not must be polite or it won't be accepted — how simple. So he states "get out or I'll break your arms" and the mooter crawls off.

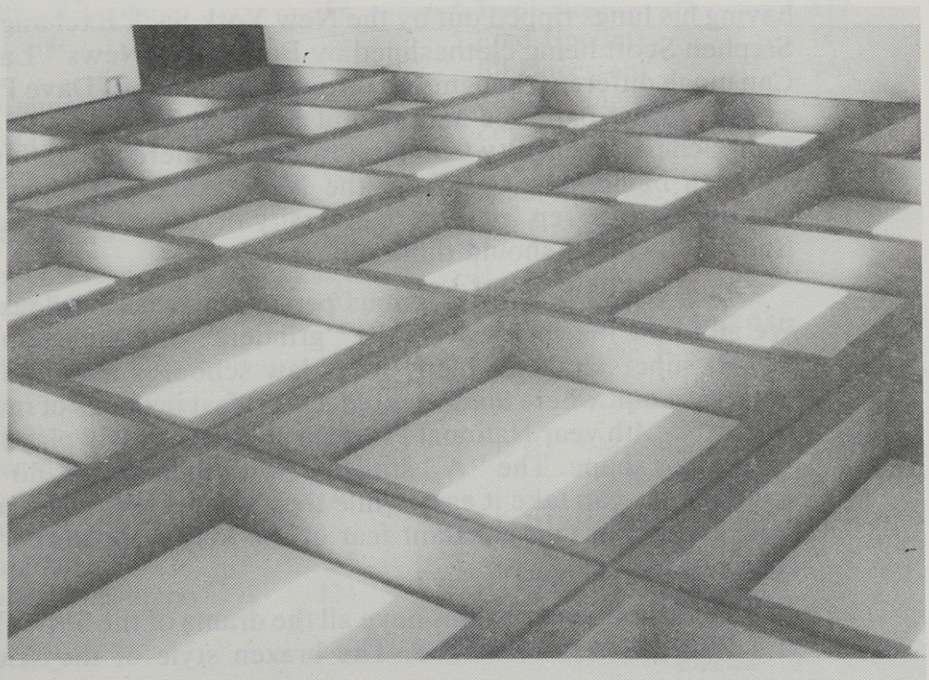
A civil law student however, finding himself in a similar situation will be boorish at best. He has his civil code somewhere in his

briefcase, so the exact rules don't matter. He may begin spinning the desk back into its proper position or dismantling the fortress of books, forgetting entirely about the etiquette-based rules of neighbouring support, or worse still, public nuisance.

At McGill University in Montreal, Canada, the student body consists of a unique blend of these two stereotypes. Having been exposed to both great legal traditions, a mass of confused individuals wanders about demonstrating outrageously crude behaviour mixed with moments of reserved complacency.

Some professors have found this so depressing that they have struck out harshly against any combination of the two systems. The *Wabasso* case in the Supreme Court of Canada was a devastating blow to etiquette. There are others of course who insist that the entire problem would be solved if the common law continued to swallow up the civil law whenever it was offensive. Many civilian students lobby strongly against this for the simple reason that favorite base forms of amusement might disappear forever...

Until the problem is solved, the disgusting behaviour will continue to shame the legal community.



A diagramatical schema of Prof. Somerville's brain.

The Game of Law

Wayne Burrows*

Sports, it was once said, is a microcosm of life. But nobody has ever said law is a microcosm (or even a 'cosm) of sport. Why is that, do you suppose? Is it because J.J. Robinette has never dug in on a "Goose" Gossage fastball up and in? Or Laskin has never gone 10 with Larry Holmes, whose punches could turn a mortal's brains to refried beans within two minutes? Or Dean Brierley has never encountered the hurtling form of Ed "Too Tall" Jones barrelling across the line, throwing aside Ralph Simmonds the same way the Sugar Bowl Queen tosses M&M's to the crowd? Has any law student gone one on one with Dr. J when he wanted real bad to slam dunk the ball in your face? Of course not — but is that the answer?

In the opinion of this observer sports and law are inextricably linked, just ask Mercury Morris or Don Reese. But beyond that the study and practice of law have much in common with the world of sports. For example, is it any wonder nobody wants to fight Leon Spinks? After all, would you accept a client who looked like him? Is there any difference between a quarterback having his lungs ripped out by the New York Sack Exchange and Stephen Scott being clotheslined by Bora "Bad News" Laskin? Can much different thoughts go through the minds of Dave Parker as fans throw batteries and acid at him and Terry Wade as he approaches the Faculty Common Room? Is there any difference between being called up from the Nebraska Clodhoppers and making the big step from the University of Tasmania at Earth's End to McGill? I should think not.

Just as sports has its various personalities so too does law. We all know the "naturals", the "grinders" and the "temperamental superstars". In many ways law school is a giant spring training camp, where untried rookies start fast in hopes of impressing, while 4th year National Program students slowly play themselves into shape. The "A" students, with their no cut/no trade scholarships can take it easy while they shag cases, whereas 'C' students live in that constant fear of the long walk to the manager's office.

To this observer exams have all the drama of the Super Bowl and World Series combined. The brazen style of the scalpers

* The author would like to take a time-out in this pre-Easter season in order to repent.

trying to unload overpriced outlines forms a nice counterpoint to the quiet of the library where students show concentration seldom seen outside the 18th hole at Augusta. During exams one can almost hear Keith Jackson describing that hard baseline shot refuting a narrow topspin view of jurisdiction, or a student hanging tough on the PPSA the same way Reggie does on a Tommy John sinker. And after it's all over — win, lose or draw — after the fans have left and each student is left alone with his thoughts, his fears, hopes and dreams, when all the training and preparation has borne fruit one thought springs to mind: "Now comes Miller time".

LSA Election Results

Total Vote: 433 Total Eligible: 523

President

* Stephen Fogarty:	203
Richard Janda:	188
Harold:	25

VP Common Law

* Todd Van Vliet:	70
Mark Dresser:	58

VP Civil Law

* Ian G. Fraser:	151
Peter Michalakopoulos:	103

VP University Affairs

* Jean-Pierre Blais:	178
Ian Bandeen:	106
Henri Pallard:	99

Treasurer

* Paul Dunn:	235
John Limebumer:	124

Secretary

Véronique Marleau (acclaimed)

Faculty Council Representatives

* Marc Barbeau:	210
* Todd Sloan:	177
* Fred Hoeffert:	163
Jill Hugessen:	146
Carole Gingras:	136
Zev Rosenzweig:	100
Rob Horwood:	88
Grant McCrae:	71
Anne-Marie Blanchard:	62

Class Presidents

BCL II: * Brian Ward: 43
Julie T. Latour: 32

LLB II: Michael Shuster (acclaimed)

BCL III: * Michael Concister: 43
Hillel Rosen: 36

LLB III: Richard Elliot (acclaimed)

BCI/LLB IV: * Carol Sheppard: 60
David Wiseman: 47

** Elected*

CROSSWORD

by Pearl Eliadis

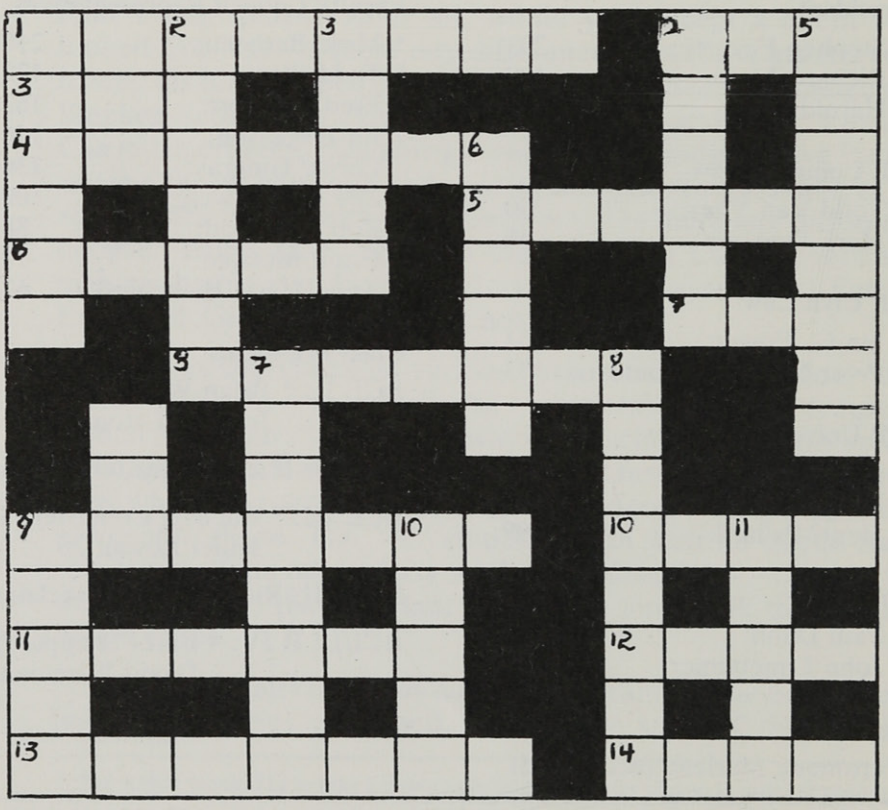
Across

1. Characteristic of prickly bushes
2. Male relation
3. Thing
4. Literally "from the part"
5. _____ _____ factum
6. Our "Old Bailey" cafe stocks this
7. "As"
8. Exercises his will power
9. Debt
10. Time
11. Beginnings
12. Grabs
13. Barely live
14. Simple

Down

1. Can be fundamental
2. Bring someone in
3. Of things
4. Smartens up
5. Of the sea
6. Surround
7. Mistakes (var.)
8. Phrase or jail term
9. Criminal or civil
10. "No sir, I didn't read it."
11. Seen on judges

Solution Next Week



No Representation without Imbibation: or why Thomson House is my Mecca

Rick Goosen

Where's the old school spirit? Where have all the clubs gone? At the beginning of the year, I was overwhelmed by wine and cheese parties hosted by the various groups on campus. Why buy lunch, I thought; I'll join a club

I made the rounds, looking sincere at each gathering, and positioning myself near the potent libations. I was caught up in the plans of things to come. In the back of my mind, I wondered how I could cope with all my cheddar-inspired commitments.

As it turns out, my doubts were but dust in the wind. I was there for the wine and cheese; so were the club organizers.

I was particularly interested in one club that chose to forego the wine and cheese route — the McGill International Law Society. I do not wish to sully the reputation of those in control of the group, but merely to share my disappointment.

The initial meeting had a good turnout. Various sheets were passed around to those who wished to sign up for various committees. I was adventurous and signed up for three. It didn't really matter — I was never contacted. In fact, I haven't notice that a meeting has been called since the initial encounter.

As a result, I had to divert my attention and energy elsewhere to more meaningful pursuits. First was the Gentleman's Drinking Club. This is a small but dedicated group, comeraderie and commitment are the bond.

The Gentlemen meet regularly and punctually — 4 PM precisely every Friday at Thomson House. Full fledged members quaff Guiness Stout — room temperature, of course — while the timid are weaned on Molson and 50.

While not wishing to neglect the academic side of the Law School experience, professors are invited to provide in depth analysis of difficult material over Planter's (for more information, contact the Dean).

The Gentlemen are looking forward to next year when they will seek funding from the LSA. The attractive aspect to the club is its refreshing honesty. They just want their Stout money.

And I think they are justified. They meet more often than those other clubs. They supply more speakers than most clubs

(two weeks ago, three profs for seven members). But most of all they are dedicated.

Another worwhile organization just forming is the "Ban the Gazette" club. The club has valid grievances. The Gazette, they say, is a disgrace to the English language. Where is Bill 101 when you need it?

The possiblities of these clubs leads me to conclude there can be no talk of student apathy. The worthwhile clubs are there. One never has to wait for the stench of the September wine and cheese parties to clear, and discover the truly sincere, active and dedicated groups on campus.

The relationship between kidnapping and deductions found in income tax forms

In the land of coconut and palm
tropical breezes balm
distended bellies provide the scenery
dry eyes gush misery
the will to survive
long ago crushed by the hush puppied crowd

The representatives
shuffle about
musing hard luck phrases
searching the ideal victim
pin-ups for the campaign
Ah
Foster Parent's plan has hit the mark
poor little one
no little icecream treats

now soothe
those guilt stricken moans
Register!
Enter on the appropriate line
Mars Bars in the mail
anguishes
Revenue bureaucrats

Robert Stephens

Maybe it'll stay on if I hold it like this

Hearsay

"It is fair to judge people, like stained-glass windows, only in their best light".

— *W.A. Wade*

"Mincing your words makes it easier if you have to eat them later."

— *F.P. Jones*

"If it wasn't for the optimist, the pessimist would never know how happy he wasn't."

— *W. Cumming*

"While all the world may be a stage, the best seats are in the courtroom."

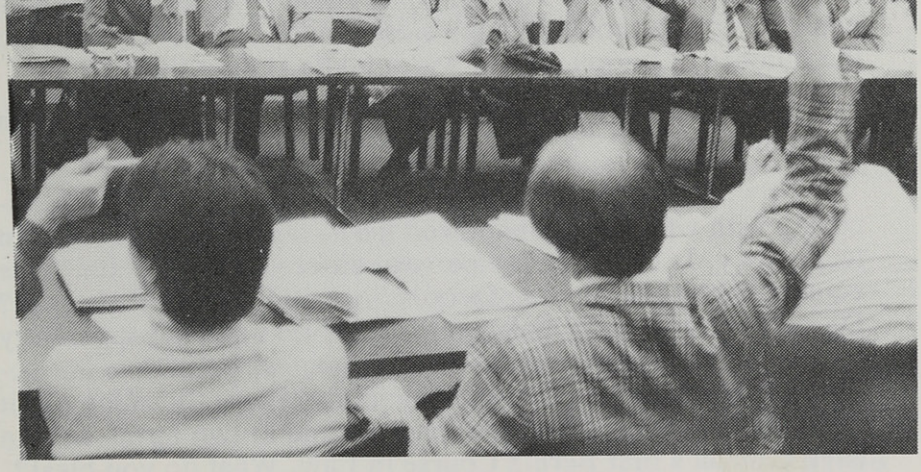
— *Judge J. Archamault*

compiled by Murray MacDonald

Quote of the Month

"Time is just Nature's way of making sure that everything doesn't happen at once."

— *Prof. Baker*



All those going bald put your hand up

What is to be done?

V.I. Lemming

We all know the problems.

Classes are long, and scheduled at awkward times, using up some of the best hours of the day. We could be outside playing; we could be massing at LSA rallies.

Far too often one is unable to obtain a legible summary, and must needs rely on one's own notes. These notes are taken in the crowded and distracting environment of a classroom; it can and often does happen that, willy-nilly, one records irrelevant points, questions and off-the-cuff responses and such, that spoil the purity of the professor's Point Of View. Acoustics and diction set serious obstacles to rock-and-roll-abused ears, and to the short attention spans between them. Come exam time, it can be difficult properly to return that which one was supposed to receive in the condition in which it was supposed to be sent. And the precedents speak with one voice as to the liability/obligation of the bailee-/depositary: it is strict/of result.

Language, in this environement, is a problem — English itself for some of us, le français lui-même pour des autres, and always the circumlocutions, obfuscations and lurking bugbears of Legalese.

The housing and upkeep of professors can be a budgetary burden on the best of law schools. There is an equally vexing conserve to this problem — physical facilities set severe limits to the number of tuition-paying warm bodies in the flock.

The problem, in sum, is that outworn but stubborn shibboleth — attendance.

Now, consider language education, and the ease and efficiency with which it has endowed itself, through a little modern technology. Is our situation so very different? Do we not focus equally on the proper use of words, in sound, speech and script? Do not the rigours of a malignant 'real world', and the apparently inevitable standardization of subject-matter, condition the acceptable responses on our examiniations as strictly? Why put it off, I bleat — let's get busy recording, and in two terms we can have Canada's first Berlitz Course in Law. What do you bleat?

Social Notes

Thursday night's party had only a mediocre showing, but this was made up for by the caliber of those who did show. Notably present were many of the recent political candidates. Richard "let's go to the hop" Janda, dressed casually in denim, was in fine form. That man can move!

Also present and in full view, suitably attired in a stunning floral arrangement, was Wayne "head-west-young-man" Burrows: we're gonna miss ya, big guy.

The T.S.S.G. (Tom Selleck Support Group) was out in full force, and despite ugly rumors that the man is a wimp, cries of "T.S. for Dean" were heard throughout the evening.

The high point of the evening was when Mrs. Lederer (of recent doughnut — eating fame) arrived in yet another stunning designer original of midnight blue taffeta with pink inseams. She was escorted by a proud John E.C. who was heard to remark more than once: "I'm with *her*".

Has the man no shame?

All in all, it was a night that we shall all soon forget.

Sidney Fisher

Civil Blues

We've snorted Pothier and supported Code rackets,
We've put up with Rod's strange plaid purple jackets,
We've slaved and we've read, and then sort of mooted,
And in spite of the chaos cerebrally rooted
In spite of immoveables by nature ill-suited
In spite of the legal hemming and hawing
(So what is the diff between thinking and law-ing?)
I think I can say that I've learned the foll'wing:
I once used to panic, crying "What does it mean?"
But now my confusion is civ'lly serene.

Pearl Eliadis

manship of Dean J.E.C. Canada which I had not done

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